



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Nobuaki HASHIMOTO

Group Art Unit: 2826

Application No.: 09/856,924

Examiner: T. Tran

Filed: May 30, 2001

Docket No.: 109681

For: SEMICONDUCTOR DEVICE AND METHOD OF FABRICATING THE SAME,
CIRCUIT BOARD, AND ELECTRONIC INSTRUMENT

RESPONSE TO RESTRICTION REQUIREMENT

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

In reply to the August 13, 2002 Restriction Requirement, Applicant provisionally elects Group I, claims 1-19 drawn to a method for fabricating a semiconductor device with traverse.

Although the June 18 Office Action indicates that claims 20-32 have already been withdrawn from further consideration, Applicant makes a provisional election even though the Restriction Requirement is traversed as discussed below.

Specifically, Applicant asserts that the Restriction Requirement is improper because a restriction can only be issued for a U.S. National Stage Application of a PCT application if the asserted groups of claims do not share a common unity of invention. A national stage application containing claims directed to a product and a process adapted for the manufacture of the product should be considered to have unity of invention. See, for example, 37 C.F.R. §1.475, and M.P.E.P. §1850 (third full paragraph under the heading "THE REQUIREMENT FOR 'UNITY OF INVENTION'").

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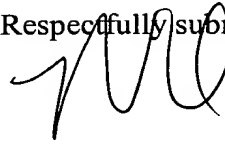
This application is a U.S. National Stage of a PCT Application. The Restriction Requirement alleges that process claims 25 and 30 can be used to make another and materially different product, such as the member has properties which repel the resin at least in a region facing the holes in the substrate (recited in claim 25). Thus, the Restriction Requirement concludes that Groups I and II do not share a common unity of invention.

However, the Restriction Requirement does not specifically identify what "materially different product" can be made by the process of the claimed invention. Instead, in the June 18 Office Action, it has only been asserted the Applicant did not show that the alternate method was incorrect. Thus, Applicant asserts that the Restriction Requirement does not satisfactorily presented reasons why the unity of invention requirement has not been met.

It is also respectfully submitted that the subject matter of all claims 1-32 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits even though it includes claims to distinct or independent inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested for the reasons discussed above.

Respectfully submitted,



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Date: September 12, 2002

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